

## Senate File 2056 - Introduced

SENATE FILE 2056

BY APPEL, DEARDEN, HATCH,  
HOGG, QUIRMBACH, JOCHUM,  
BLACK, McCOY, COURTNEY,  
KIBBIE, GRONSTAL, DANDEKAR,  
SODDERS, STEWART, BEALL,  
and FRAISE

### A BILL FOR

1 An Act concerning the operation of a motor vehicle while using  
2 an electronic communication device to write, read, or send  
3 an electronic message, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   **321.277B   Electronic communication**  
2 **devices.**

3     1.   *Definitions.*   As used in this section, unless the context  
4 otherwise requires:

5     *a.*   "*Electronic communication device*" means an electronic  
6 device, including but not limited to a wireless telephone,  
7 a personal digital assistant, or a portable or mobile  
8 computer, capable of being used for the purpose of writing,  
9 reading, or sending an electronic message.   "*Electronic*  
10 *communication device*" does not include a global positioning  
11 system or navigation system or a device that is physically or  
12 electronically integrated into a motor vehicle.

13    *b.*   "*Electronic message*" means a self-contained digital  
14 communication that is designed or intended to be transmitted  
15 between physical devices.   "*Electronic message*" includes but  
16 is not limited to electronic mail, a text message, an instant  
17 message, or a command or request to access an internet site.

18    2.   *Prohibition.*   A person shall not operate a motor vehicle  
19 on a roadway while using an electronic communication device to  
20 write, read, or send an electronic message.

21    3.   *Exceptions.*   This section does not apply to the following  
22 persons in the following circumstances:

23    *a.*   A peace officer in the performance of the peace officer's  
24 official duties.

25    *b.*   The operator of an authorized emergency vehicle in  
26 the performance of the emergency vehicle operator's official  
27 duties.

28    *c.*   A motor vehicle operator using an electronic  
29 communication device for the sole purpose of reporting an  
30 emergency situation to law enforcement authorities or an  
31 emergency response agency and for continued communication with  
32 emergency personnel during the emergency situation.

33    *d.*   A motor vehicle operator using an electronic  
34 communication device in hands-free or voice-activated mode to  
35 send or receive a voice communication.

1 e. A commercial motor vehicle operator reading a message  
2 displayed on a permanently installed communication device  
3 designed for a commercial motor vehicle, with a screen that is  
4 no larger than ten inches in height and ten inches in width.

5 f. A motor vehicle operator using an electronic  
6 communication device when the motor vehicle is stopped due to  
7 the obstruction of normal traffic and the transmission of the  
8 motor vehicle is in neutral or park.

9       g. A motor vehicle operator using an electronic  
10 communication device when the motor vehicle is at a complete  
11 stop off the roadway.

12       4. *Penalty.* A person convicted of a violation of this  
13 section is guilty of a simple misdemeanor punishable as  
14 a scheduled violation under section 805.8A, subsection 6,  
15 paragraph "e".

16      Sec. 2. Section 707.6A, subsection 2, Code 2009, is amended  
17 by adding the following new paragraph:

18     NEW PARAGRAPH.   *c.*   Operating a motor vehicle while using  
19     an electronic communication device in violation of section  
20     321.277B.

21      Sec. 3. Section 805.8A, subsection 6, Code Supplement 2009,  
22 is amended by adding the following new paragraph:

23     NEW PARAGRAPH.   *e.*   For a violation under section 321.277B,  
24 the scheduled fine is one hundred dollars.

### EXPLANATION

26 This bill prohibits a person from using an electronic  
27 communication device to write, read, or send an electronic  
28 message while operating a motor vehicle on the roadway.

29       The bill defines the term "electronic communication device"  
30 as an electronic device capable of being used to write, read,  
31 or send an electronic message. The term includes a wireless  
32 telephone, a personal digital assistant, and a portable or  
33 mobile computer, but does not include a global positioning  
34 system or navigation system or a device that is physically  
35 or electronically integrated into a motor vehicle. The bill

1 defines "electronic message" as a self-contained digital  
2 communication that is designed or intended to be transmitted  
3 between physical devices. The term includes electronic mail, a  
4 text message, an instant message, or a command or request to  
5 access an internet site.

6 The following persons and situations are exempt from the  
7 prohibition: a peace officer or emergency vehicle operator  
8 using an electronic communication device in the performance  
9 of official duties; a motor vehicle operator reporting  
10 an emergency situation to law enforcement authorities or  
11 an emergency response agency and continuing communication  
12 during the emergency situation; a motor vehicle operator  
13 using an electronic communication device in hands-free or  
14 voice-activated mode to send or receive a voice communication;  
15 a commercial motor vehicle operator reading a message displayed  
16 on a permanently installed communication device no larger than  
17 10 inches by 10 inches and designed for a commercial vehicle;  
18 and a motor vehicle operator using an electronic communication  
19 device when the vehicle is stopped on the roadway, with the  
20 transmission in neutral or park, due to the obstruction of  
21 normal traffic or when the motor vehicle is at a complete stop  
22 off the roadway.

23 The bill provides several penalties, depending on the  
24 consequences of the violation. For the basic offense, a person  
25 convicted of a violation is guilty of a simple misdemeanor,  
26 punishable by a scheduled fine of \$100.

27 If the violation causes serious injury to another person,  
28 the offense is considered serious injury by vehicle, which  
29 is a class "D" felony. A class "D" felony is punishable by  
30 confinement for no more than five years and a fine of at least  
31 \$750 but not more than \$7,500.

32 If the violation results in the unintended death of another  
33 person, the offense is considered homicide by vehicle,  
34 punishable as a class "C" felony. A class "C" felony is  
35 punishable by confinement for no more than 10 years and a fine

S.F. 2056

1 of at least \$1,000 but not more than \$10,000.